

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In the Matter : Case No. 21-10699 (DSJ)  
-of- :  
KOSSOFF PLLC, :  
Debtor. :

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**Motion to quash or modify Subpoena for Rule 2004 Examination to  
Doar Rieck Kaley & Mack dated November 14, 2022 pursuant  
to Bankruptcy Rule 9016 which makes Rule 45(d), F.R. Civ. P. Applicable.**

Doar Rieck Kaley & Mack by its counsel Walter Mack hereby moves to quash or modify the Subpoena for Rule 2004 Examination dated November 14, 2022 as it is served upon and directed at the firm that represented and continues to represent Mr. Mitchell H. Kossoff for ongoing and past criminally related investigations and proceedings:

1) The Subpoena itself seeks as ‘Definitions’: ‘Communication’, ‘Documents’, ‘Including’, ‘Person’, ‘Representation’, ‘Relevant Time Period’ ‘You and Your’ ‘Subsidiary’ coupled with ‘Instructions’ that when read, either together or separately, are prolix, burdensome, harassing and not worthy of this Court’s Approval and Enforcement.

2) Furthermore, and of utmost concern, not only would the time required to produce all the records described in the ‘Definitions’ and ‘Instructions’ sections of subject subpoena be lengthy and burdensome and require many hours of work of counsel and firm staff, but as such, this time should be compensated at the rates Team Togut has negotiated for its compensation.

3) Finally and of primary significance, the materials and testimony literally sought by Team Togut pursuant to subject Subpoena seeks Fifth Amendment, attorney-client, work-product and potential trial preparation materials, all of which the firm claims as privileged and protected materials and information. Lest there be any doubt on this characterization, the firm is prepared to submit to the Court in camera examples of the ‘Documents’, ‘Communications’ ‘Concerning’ the ‘Consideration’ in connection with the ‘Representation’ to demonstrate exactly

why this information or documents should not be produced and would not be produced in an Article III Court dealing with criminal matters.

Dated: November 28, 2022  
New York, New York

Respectfully submitted,

/s/  
Walter Mack, Esq.  
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